

**VIRGINIA:**

**BEFORE THE BOARD OF OPTOMETRY**

**IN RE:        NAVA EZRA, O.D.  
              License No.: 0601-001905  
              Complaint No.: 95-01670**

**CONSENT ORDER**

Pursuant to §§ 9-6.14:11 and 54.1-2400(8) of the Code of Virginia, an Informal Conference Committee ("Committee") of the Virginia Board of Optometry ("Board"), composed of Lowell H. Gilbert, O.D., and Charles W. Harrill, O.D., met with Nava Ezra, O.D., on August 21, 1996 in Henrico County, Virginia. Dr. Ezra appeared in person and was represented by Julia Krebs-Markrich, Esquire. The purpose of the Informal Conference was to receive and act upon evidence concerning the allegations in the Notice of Informal Conference dated May 15, 1996.

**FINDINGS OF FACT**

After consideration of the evidence and statements concerning the allegations, the Committee makes the following Findings of Fact:

1. Nava Ezra, O.D., holds license number 0601-001905 issued by the Virginia Board of Optometry.
2. On or about January 1, 1995, Dr. Ezra entered into a sublease with Hillman's, The Eyecare Company, Inc., ("Sublessor"), a mercantile or commercial establishment, for space for an optometry practice.
3. Pursuant to the aforementioned sublease:
  - a. the Sublessor may advertise material pertaining to the business of Dr. Ezra to the extent that such material is accurate, complies with applicable state laws and has been consented to and approved by Dr. Ezra.
  - b. the Sublessor must be given photocopies of all patient eyeglass prescriptions prior to Dr. Ezra's removal of the records from the premises so that Sublessor can refill prescriptions if and when requested to do so by such patients.
4. Dr. Ezra provided the Board with written assurances from the sublessor referenced in

Finding of Fact #2 above that :

- a. it would not enforce the lease provision in Finding of Fact #3(b) above, and
- b. had no intent to require Dr. Ezra to surrender patient records to it. Dr. Ezra testified that she had no intention and indeed would not surrender patient records.

### **CONCLUSIONS OF LAW**

The Board concludes that Finding of Fact #2 constitutes a violation of § 54.1-3205(A) and § 54.3215(16) of the Code of Virginia (1950), as amended.

### **CONSENT**

Nava Ezra, O.D., by affixing her signature hereon, agrees to the following:

1. She has been advised specifically to seek the advice of counsel prior to signing this document;
2. She is fully aware that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia;
3. She has the following rights, among others:
  - a. the right to a formal fact-finding hearing before the Board;
  - b. the right to representation by counsel; and
  - c. the right to cross-examine witnesses against her.
4. She waives all rights to a formal hearing;
5. She admits the truth of the above Findings of Fact; and
6. She consents to the following Order affecting her license to practice optometry in the Commonwealth of Virginia.

### **ORDER**

WHEREFORE, on the basis of the foregoing Findings of Fact, Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that:

1. Nava Ezra, O.D., cease and desist from practicing in violation of § 54.1-3205(A).
2. Dr. Ezra shall enter into a lease agreement whereby the lease provision stated in Finding of Fact #3(b) be omitted or declared null and void.
3. Within sixty (60) days from the date of entry of this Consent Order, Dr. Ezra shall either enter into a lease agreement that complies with the terms and conditions of this Consent Order, and with all laws and regulations governing the practice of optometry, or take all necessary action to relocate her practice and provide written documentation of the same to the Board.
4. Dr. Ezra shall be subject to one (1) unannounced inspection of her optometry practice within six (6) months of the date of entry of this Consent Order. Such inspection shall be made only in the event that Dr. Ezra has continued her practice as an independent doctor of optometry in her own private practice. Dr. Ezra shall be solely responsible for the payment of a TWO HUNDRED DOLLAR (\$200.00) inspection fee to be paid to the Board with ten (10) days of said inspection. If said fee is not received within the stipulated deadline, an additional ONE HUNDRED DOLLAR (\$100.00) late fee shall be assessed weekly, up to a maximum of ONE THOUSAND DOLLARS (\$1000.00). Failure to pay the full fee plus the additional late fee within one hundred (100) days of the inspection shall constitute grounds for an administrative proceeding. In the event that any such inspection reveals a possible violation of the laws or regulations pertaining to the practice of optometry in Virginia, or Chapter 32 of Title 54.1 of the Code of Virginia (1950), as amended, the Board specifically reserves the right to conduct further proceedings in this matter.
5. Dr. Ezra shall maintain a course of conduct commensurate with the requirements of Chapter 32, Title 54.1 of the Code of Virginia (1950), as amended, and the Board of Optometry Regulations.

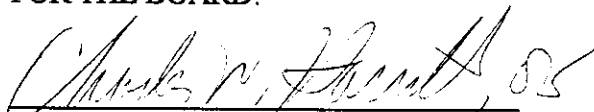
Any violation of the foregoing terms and conditions of this Consent Order or any statute or regulation governing the practice of optometry in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Nava Ezra, O.D., and an administrative proceeding shall

N. Ezra, O.D.

be convened to determine whether Dr. Ezra's license to practice optometry in the Commonwealth shall be suspended or revoked.

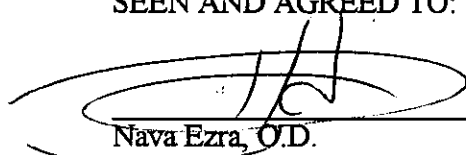
Pursuant to § 9-6.14:14 of the Code of Virginia, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public release, inspection and copying upon request.

FOR THE BOARD:

  
Charles W. Harrill, O.D.  
President

ENTERED: 5/15/97

SEEN AND AGREED TO:

  
Nava Ezra, O.D.

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF FAIRFAX

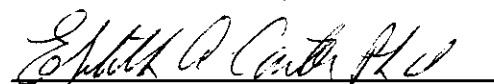
Subscribed and sworn to before me, a Notary Public in and for the city/county of FAIRFAX, this 31<sup>st</sup> day of MARCH, 1997, by Nava Ezra, O.D.

  
Notary Public

My Commission Expires: 9/30/98

Certificate of Service

I hereby certify that a true copy of the foregoing Consent Order was mailed to Nava Ezra, O.D., at 1600 S. Joyce Street, Apt. 1733, Arlington, Virginia 22202 and Julia Krebs-Markrich, Esquire, Hazel & Thomas, P. O. Box 12001, Falls Church, Virginia 22042, on the 29<sup>TH</sup> day of May, 1997.

  
Elizabeth A. Carter, Ph.D.  
Executive Director  
Board of Optometry